

REMARKS

The Office Action of January 31, 2006 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

Species Election

The Office Action states that the application contains claims directed to the following patentably distinct species:

- I.) The swim cap shown in Figs. 1 and 2.
- II.) The swim cap shown in Figs. 3 and 4.
- III.) The swim cap shown in Figs. 5 and 6.
- IV.) The swim cap shown in Fig. 7.
- V.) The swim cap shown in Fig. 8.

This requirement for an election of species is traversed. Applicant respectfully points out that the species of Figs. 1 and 2, Figs. 3 and 4, Figs. 5 and 6, Fig. 7, and Fig. 8 would not have separate classifications, would not have separate status in the art, and would not require searches in different fields.

As required, applicant hereby provisionally elects Species I, directed toward Figs. 1 and 2. At least claims 1-4 and 18-21 are all readable on Figs. 1-2. The Commissioner is hereby authorized to charge any fees or credit any overpayments to **Deposit Account No. 19-0733**.

Dated: February 22, 2006By: Gregory J. Cohan

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